

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**COUNTY OF BUTLER, *et al.*,
Plaintiffs**

v.

**THOMAS W. WOLF, in his official capacity as
Governor of the Commonwealth of
Pennsylvania, and RACHEL LEVINE, MD, in
her official capacity as Secretary of the
Pennsylvania Department of Health,
Defendants**

No. 2:20-CV-677-WSS

Complaint Filed 5/7/20

ORDER

AND NOW, this _____ day of _____, 2020, upon consideration of Defendants' Rule 54 Motion or in the Alternative, Motion to Certify Issues for Appeal, and any response thereto, it is hereby ORDERED that Defendants' request for alternative relief is GRANTED. The Court hereby CERTIFIES the following questions for appeal.

- (1) Whether the congregate gathering limits imposed by Defendants' mitigation orders violate the First Amendment right of assembly;
- (2) Whether the stay-at-home and business closure components of Defendants' orders violate the Due Process Clause of the Fourteenth Amendment; and
- (3) Whether the business closure components of Defendants' orders violate the Equal Protection Clause of the Fourteenth Amendment.

BY THE COURT:

WILLIAM S. STICKMAN, IV
UNITED STATES DISTRICT JUDGE